



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,023	10/01/2003	Phyllis A.W. Martin	0136.02	1052
25278 7590 06/13/2007 USDA-ARS-OFFICE OF TECHNOLOGY TRANSFER PATENT ADVISORS OFFICE WESTERN REGIONAL RESEARCH CENTER 800 BUCHANAN ST ALBANY, CA 94710			EXAMINER MARX, IRENE	
			ART UNIT 1651	PAPER NUMBER
			MAIL DATE 06/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Response to Rule 312 Communication</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/678,023	MARTIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Irene Marx	1651	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

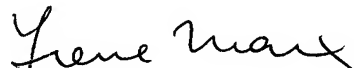
1. ☒ The amendment filed on 08 February 2007 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

*The proposed amendment filed on 2/8/07 under 37 CFR 1.312 has not been entered, because the claims amended therein are cancelled by Examiner's amendment. In addition, the amendment raises new issues that would require further consideration and or search regarding the use of unidentified metabolites included in supernatant, filtrate or extract of the strain C. subtsugae NRRL B-30665, including new issues under 35 USC 112 and 37 CFR 1.121.*

  
 Irene Marx  
 Primary Examiner  
 Art Unit: 1651